

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
to Ensure Compatibility with Enhanced	)	
911 Emergency Calling Systems	)	

To:     Wireless Telecommunications Bureau

**Amendment to Petition for Waiver  
and Supplemental E911 Phase II Report  
of Cal-One Cellular, Limited Partnership**

Cal-One Cellular, Limited Partnership ("Cal-One"), by its attorneys and pursuant to Section 20.18(i) of the rules and regulations of the Federal Communications Commission ( "Commission"),<sup>1</sup> and the Commission's recent public notices,<sup>2</sup> hereby submits an amendment to its Petition for Waiver in the above captioned proceeding.

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<sup>1</sup>47 C.F.R. §20.18(i).

<sup>2</sup>"Commission Establishes Schedule for E911 Phase II Requests by Small and Mid-Sized Wireless Carriers, CC Docket No. 94-102," *Public Notice*, FCC 01-302, rel. Oct. 12, 2001 ("*October 12 Public Notice*"); and "Wireless Telecommunications Bureau Provides Guidance on Filings By Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules, CC Docket No. 94-102," *Public Notice*, DA 01-2459, rel. Oct. 19, 2001 ("*October 19 Public Notice*").

On September 19, 2001, Cal-One filed a Petition for Limited Waiver of Section 20.18 of the Commission's rules.<sup>3</sup> On October 12, 2001, the Commission ruled on five nationwide carriers' similar requests for waiver of the Commission's enhanced 911 Phase II implementation plans, set mandatory conditions,<sup>4</sup> and gave small and mid-sized carriers until November 30, 2001 to file requests for waiver of E911 Phase II implementation requirements or to supplement or revise pending requests for waiver.<sup>5</sup>

As Cal-One indicated in its September 19 Petition, its proposed compliance schedule is based heavily upon the expected general availability date for Phase II-compliant handsets to major, nationwide carriers with a built-in "lead-time" of several additional months for the product to "trickle down" to small rural carriers like Cal-One. In light of the recent extensions of time granted to nationwide wireless CDMA carriers, Cal-One now believes the earliest date by which the large,

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<sup>3</sup>Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, DA 98-2631, Cal-One Cellular, Limited Partnership Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules, filed September 19, 2001 (*"September 19 Petition"*).

<sup>4</sup>See In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by AT&T Wireless, CC Docket No. 94-102, *Order*, FCC 01-294, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Nextel Communications, Inc., CC Docket No. 94-102, *Order*, FCC 01-295, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Cingular Wireless LLC, CC Docket No. 94-102, *Order*, FCC 01-296, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Sprint Spectrum L.P. d/b/a Sprint PCS, CC Docket No. 94-102, *Order*, FCC 01-297, rel. Oct. 12, 2001; and In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Verizon Wireless, CC Docket No. 94-102, *Order*, FCC 01-299, rel. Oct. 12, 2001.

<sup>5</sup>*October 12 Public Notice.*

nationwide carriers will see delivery of CDMA-based, ALI-capable handsets is December 2001.

Accounting for expected delays before such handsets reach a small carrier such as Cal-One and necessary testing, Cal-One does not expect to be capable of selling and activating handsets prior to October 1, 2002. Accordingly, Cal-One hereby amends the proposed implementation schedule contained in its September 19 Petition as follows:

October 1, 2002:	begin selling and activating ALI-capable handsets.
December 31, 2002	25 percent of activated handsets are ALI-capable.
June 30, 2003	50 percent of activated handsets are ALI-capable.
December 31, 2003	100 percent of activated handsets are ALI-capable.
December 31, 2006	95 percent penetration rate of ALI-capable handsets.

Further, if such equipment becomes commercially available earlier than expected, Cal-One will proceed to implement E911 Phase II promptly and will so advise the Commission of its progress related to this matter via its required quarterly report. By the same token, as indicated in the September 19 Petition, whether and when ALI-capable handsets are available is completely outside of Cal-One's control. Therefore, if as Cal-One's revised deadline approaches, Phase II-compliant handsets and necessary upgrades to cellular switching systems are still unavailable commercially, Cal-One will so advise the Commission.

The foregoing, along with the information contained in the September 19 Petition satisfies both the general requirements to waive a Commission rule, as well as the more detailed standards contained in the Commission's E911 *Fourth Memorandum Opinion and Order*,<sup>6</sup> and the *October*

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<sup>6</sup>Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, 17457 (2000) ("*E911 Fourth Memorandum Opinion and Order*").

*19 Public Notice.* Accordingly, there is good cause to grant the limited waiver requested herein.

Respectfully submitted,

CAL-ONE CELLULAR

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## CERTIFICATE OF SERVICE

I, LaWanda Y. Tyson, a secretary with the law firm of Kurtis & Associates, P.C., do hereby certify that I have this 5<sup>th</sup> day of November 2001, had copies of the foregoing “AMENDMENT to PETITION FOR WAIVER AND SUPPLEMENTAL E911 PHASE II REPORT of CAL-ONE CELLULAR, LIMITED PARTNERSHIP sent via First Class Mail, U.S. Postage paid to the following:

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